



STATE SENATOR
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2004 Post-Session Newsletter
visit my web site at www.in.gov/S15

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Saving ICHIA

A critical new law will help protect high-risk patients

Many people struggle with the costs and frustrations of health insurance. For those deemed high-risk, the frustration increases as options gradually decrease.

High risk patients suffer from a myriad of chronic diseases including hemophilia, HIV/AIDS, and kidney failure. Survival depends entirely on access to expensive treatments like dialysis, blood transfusions, and transplants. When a person with these health problems loses his or her insurance, the results can be financially devastating.

In 1981, the legislature created the Indiana Comprehensive Health Insurance Association (ICHIA) in order to help serve those individuals that do not qualify for Medicare or Medicaid and cannot receive coverage in the commercial health care market due to their high risk status. The

program serves approximately 9,000 Hoosiers.

Like a typical insurance policy, participants pay premiums in order to help finance the program. However, unlike typical patients, members of the high risk pool's expenses often exceed the amount paid in premiums. To help cover the losses incurred, the state calculates the net loss and then uses a formula based on a variety of factors to recover the loss among over 200 member insurance companies. In return, these companies receive tax credits for their losses, which sometimes amount to millions of dollars.

Recently, the program's financial viability came into question, forcing legislators to tackle the issue in a commission during the interim. Leaders from the insurance industry and legislators collaborated on the

problem and formulated a measure to heal the ailing system.

House Enrolled Act 1273 restructures the program's funding mechanism to ensure long-term solvency. Beginning Jan. 1, 2005, the bill makes insurers responsible for 25 percent of net losses and the state responsible for 75 percent. The bill eliminates the ability of member insurance companies to accumulate additional tax credits. However, beginning in 2007, insurers can claim up to 10 percent of their accumulated credits each year until the credits are fully utilized.

Previously, the state absorbed 100 percent of the loss via tax credits. This plan will provide adequate funding for the program, but not require state spending beyond levels that have been required to pay tax credits. So both the state and member insurance companies benefit from the plan.

ICHIA provides an invaluable service. For some citizens, their survival literally depends on the program's survival. HEA 1273 ensures ICHIA remains a choice for those without options.

2004 Facts & Figures

The Second Regular Session
of the 113th General Assembly
began on Organization Day,
November 18, 2003,
and adjourned March 4, 2004.

This non-budget year is known as
the "short" session.

Senate bills introduced: 503
Senate joint resolutions introduced: 10

Senate bills passed: 18
Senate joint resolutions passed: 0

House bills introduced: 459
House joint resolutions introduced: 7

House bills passed: 80
House joint resolutions passed: 0

Percent of introduced bills that were
sent to the governor: 10%

For more information
about the General Assembly's
2004 session,
visit us online at:
www.in.gov/legislative

Visit my site at:
www.in.gov/S15



State Senator Tom Wyss

Serving District 15 — Allen County



Child Safety Remains Priority

Roads will never be 100 percent safe. The size and speed of the vehicles in which we travel make it impossible for the state to have no traffic injuries or fatalities in a given year. The best we can do is to make passengers and drivers as safe as possible, so when an accident does happen, their injuries will be minimized.

That is why I sponsored House Enrolled Act 1098, more commonly known as the Child Restraint Bill. This bill requires children under 8 years old to sit in child restraint systems that allow the vehicle's seatbelt to work properly. The law also makes seatbelts mandatory for children 8-16. Current law allows those children to sit unbuckled when riding in the backseat of a car.

The National Highway Traffic Safety Administration reports that children between the ages of 4 and 7 who use child restraint systems are 59 percent less likely to be injured in a crash. Children ages 2 to 5 who are prematurely graduated to safety belts alone are four times more likely to suffer a serious head injury.

Nearly half of the states in America have child restraint laws, and that number will continue to rise. There is concern that



Sen. Wyss displays a typical child restraint system to members of the Senate. These seats cost parents as little as \$15 and have been proven to save lives.

out-of-state motorists will be unaware of Indiana's law and will be subject to being ticketed. Hopefully, though, every state will soon have a child restraint law that protects innocent children.

In 2002, use of child restraint systems hit record levels. Not coincidentally, the number of children age 7 and under injured in vehicular accidents dropped to an all-

— see [CHILD SAFETY](#), page 3

Bill to Improve Downtown and Southtown Passes

House Enrolled Act 1055 now includes Senate Bill 180, a bill to expand provisions for Community Revitalization Enhancement Districts (CREDs). Currently, the CRED program allows certain cities to collect incremental taxes from established districts in order to fund economic development projects.

The new law changed CRED districts, making them apply to the downtown areas of all Indiana's large cities (except Indianapolis). Fort Wayne's downtown area was the model for this new law. It was called the most important economic development tool for Indiana cities in many years. Importantly, CRED districts formed under the old law, such as Southtown's, were protected.

For Fort Wayne, the expansion of this program means the development of areas like downtown and Southtown Mall. Cities need every tool available to generate a favorable economic climate. Creating a strong, vibrant community encourages employers to expand already existing facilities, relocate businesses to the area, and ultimately, create jobs for Fort Wayne citizens.



The End of a Legacy

It is with the deepest sadness that I discuss the death of my long time friend and colleague – State Senator Charles “Bud” Meeks.

Bud died March 22, 2004, after an extended battle with cancer.

Bud and I were friends for 38 years. He was one of the dearest and best public servants that I have known. His service was always for the best interest of those he represented, whether as Sheriff of Allen County, Director of the National Sheriff’s Association, Lt. Colonel in the Indiana Air National Guard, or as State Senator for District 14.

Even towards the end of his life, Bud embraced every opportunity to teach young people the value of democracy. For six years, he schooled hundreds of pages on the ins and outs of the legislative process, often entertaining them with humorous anecdotes.

As much as he was loved, by family and friends – he will be missed greatly since our lives are better for having known him.

And, we all know he is watching us from above!

Bureau of Motor Vehicles

Troubled agency is in dire need of overhaul

The Indiana Bureau of Motor Vehicles certainly has had a rough year. A few months ago, the administration had one BMV commissioner resign, and then quickly hired a new commissioner to fill the void.

In late February, six arrests were made in the Indianapolis area after a sting operation was ordered because of the widespread use of fraudulent documents. Report after report has been issued concerning BMV employees, including an investigation by the media that reported 10 percent of BMV workers in Marion County have a criminal history.

An agency review was conducted by a former U.S. Marshal, whose findings simply stated that there are, indeed, major problems within the BMV. All of this comes after 27 individuals were arrested late last year because they possessed illegal licenses and identification cards. Considering these circumstances, it is safe to assume that the BMV is in dire need of a complete overhaul.

In response to news coverage of a widespread fraud scandal, the governor hired a retired U.S. Marshal to spearhead the aforementioned investigation of the agency's operations. While the report did conclude security at certain BMV branches was sub-par, it offered no long-term solutions to the agency's troubles. The report, which many legislators believe is

incomplete, was presented to the public two months ahead of schedule. The report has faced criticism by some who say that all it contains is a statement of the obvious condition of the BMV. In fact, the report has been called a "drive-by windshield assessment" because it doesn't address deep-rooted problems within the organization, nor does it pinpoint the source of its scandals.

After reviewing the disappointing report, state Senator Jim Merritt, who successfully spearheaded an effort to revamp



BMV customer service operations several years ago, authored a resolution to create a legislative interim committee to explore these problems and to begin crafting viable solutions.

Merritt filed the resolution to focus on bureau security problems, delayed technology improvements and possible new ways to offer BMV services to Hoosier customers. While this commission is a positive step, the governor should have dealt with the issues at hand before declaring his investigation "complete."

The BMV serves as the 'front porch' of Indiana state government. Anyone who wants to learn to drive, acquire a driver license, own a car, or obtain official identification uses the agency. Because of this, the BMV must work with a high ethical standard to quickly and effectively serve the people of Indiana.

Visit the BMV online at www.in.gov/bmv

PROTECTING KIDS



One of the most critical issues addressed during the session is child protection. Several provisions passed this year that will take Indiana one step closer to removing the problem of child abuse, neglect and molestation.

Recent cases where an innocent child has died, such as the Anthony Bars case in Indianapolis and several child protective services mishaps across the state, prompted this push to improve child services.

One of these bills sets up more safeguards for children placed through child protective services, including more extensive background checks for temporary placement homes. Anthony Bars was an Indianapolis child who was placed with a family member with a history of abuse. Anthony's caseworker had not done a criminal background check and was tragically killed. Situations like these can be avoided with the help of this legislation.

Another bill defines a child in need of services as a child who lives in the same home as a sexually abused child and lives with an



At a Statehouse news conference, Senator Wyss poses with Dr. Jeff Runge, executive director of the National Traffic Highway Safety Administration, and students from the Vanderburgh County Signature High School in Evansville, IN. The students formed a group at school advocating the use of safety belts in pickup trucks and SUVs.

adult who is a sex offender. If one child in a household is abused, statistics show that another child in that house has an 80 percent chance of being abused.

Another provision sets up a fatality review team to investigate unexpected deaths of children. Additionally, House Enrolled Act 1194 requires the state to publicly disclose information relevant to the death of a child because of abuse, abandonment or neglect

Overall, the number of deaths related to child abuse is down in Indiana. The number dropped from 69 in 2002 to 51 in 2003. One child's death, though, is too many. The General Assembly will continue to work to give agencies the tools and guidelines they need to protect Indiana's children.

4 STEPS FOR KIDS



Proper Child Safety Seat Use

Infants – Infant only or rear-facing convertible seat

Toddler – Convertible / Forward-facing

Young Children – Belt positioning booster seat

Courtesy of NHTSA

CHILD SAFETY

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time low. My goal is to see those statistics continue to improve. And even though we will always see injuries and fatalities on our roads, child restraint laws are the next step to make driving and riding a little safer.

It is important that all parents, grandparents, aunts, uncles, babysitters, and others who transport children be aware of this new law scheduled to take effect July 1, 2005.

In anticipation of this change in law,

safety groups around the state plan on launching a vigorous education campaign. Prior to the passage of this legislation, SAFE KIDS Coalitions offered parents a variety of tools to ensure proper usage of child restraint systems.

On Saturday, May 22 at the Meijer store on Lima Road in Fort Wayne, local experts will inspect child seats, demonstrate proper installation, and offer restraint systems for a nominal donation.

For information about other local seat-fittings and child seat giveaways contact the Allen County SAFE KIDS Coalition at (260) 458-2549.

HOUSE ENROLLED ACT 1265 — Establishes a program pooling state employees to negotiate lower prices for bulk purchases of prescription drugs. Applies to schools, state colleges and universities, and cities and towns. **PASSED. My vote: YES**

SENATE BILL 85 — Makes it illegal to have open alcoholic beverage containers in a motor vehicle, regardless of whether or not the driver has been drinking. This law could have brought Indiana \$13.5 million in federal funds. **FAILED. My vote: YES**

HOUSE ENROLLED ACT 1082 — Requires a review of entries in the Missing Children Clearinghouse within 60 days after the review required by laws governing reports made to the National Crime Information Center (NCIC). **PASSED. My vote: YES**

HOUSE ENROLLED ACT 1194 — Opens state records regarding a child who died as a result of abuse, abandonment, or neglect. Requires extensive background checks on all members of a household for temporary and permanent placements. **PASSED. My vote: YES**

SENATE JOINT RESOLUTION 7 — Would have begun the process of amending the state constitution to define marriage as the union of one man and one woman. Because it failed in the House, the earliest the provision could appear on the ballot is 2008. **FAILED. My vote: YES**

SENATE ENROLLED ACT 86 — Allows a voter to check "address unchanged" box on poll list instead of writing entire address when signing in to vote. Would save voters time when polls are crowded. **PASSED. My vote: YES**